General Provisions

17.74.301 APPLICABILITY AND PURPOSE (1) Except as otherwise specifically provided, this subchapter applies to all persons or entities engaged in an asbestos-related occupation, persons in charge of asbestos abatement projects, and persons who offer course work for accreditation of persons engaged in asbestos abatement projects.

(2) The purpose of these rules is to regulate and establish criteria for asbestos abatement practices and to require state-wide standards for accreditation of persons in asbestos-type occupations, for approval of course work, and for a fee and permit system. (History: 75-2-503, MCA; IMP, 75-2-503, MCA; NEW, 1989 MAR p. 2234, Eff. 1/1/90; TRANS, from DHES, 1996 MAR p. 433.)

17.74.302 DEFINITIONS For purposes of this subchapter and unless otherwise indicated, the following terms shall have the meanings or interpretations given to them in this subsection and must be used in conjunction with the definitions contained in 75-2-502, MCA.

(1) "Approved asbestos disposal facility" means a properly operated and licensed class II landfill as described in ARM 17.50.504.

(2) "Asbestos abatement" means the repair, enclosure, encapsulation, removal, and/or disposal of friable asbestos-containing material or asbestos containing material which may become friable as a result of or during the removal, repair, enclosure, disposal, or encapsulation process.

(3) "Asbestos abatement project" means the encapsulation, enclosure, removal, repair, renovation, placement in new construction, demolition of friable or potentially friable asbestos-containing material in a building or other structure, or the transportation or disposal of friable or potentially friable asbestos-containing material. The term does not include a project that involves less than 3 square feet in surface area or 3 linear feet of thermal system insulation.

(4) "Asbestos abatement project designer" means any individual who develops the plans, specifications, and designs for an asbestos abatement project.

(5) "Asbestos abatement supervisor" means any individual who provides supervision and direction to workers engaged in asbestos removal, encapsulation, enclosure and/or repair. Asbestos abatement supervisors may include individuals with the position title of foreman, working foreman, competent person, construction superintendent, or leadman as designated in collective bargaining agreements.

(6) "Asbestos-containing building material" or "ACBM" means any asbestos-containing material that is in or on interior structural members or other parts of a school or public and commercial building.

(7) "Asbestos-containing material (ACM)" means a material or a product containing greater than 1% asbestos.

(8) "Asbestos abatement contractor" means any partnership, firm, association, business, sole proprietorship, or individual that contracts to perform asbestos abatement for another.

(9) "Asbestos inspector" means any individual who inspects buildings or structures for asbestos-containing materials.

(10) "Asbestos management planner" means any individual who develops plans for the management of asbestos-containing materials.

(11) "Asbestos-type occupation" means an inspector, management planner, project designer, contractor, supervisor, or worker for an asbestos abatement project.

(12) "Asbestos abatement worker" means any individual other than those listed in (5), and (7)-(10) of this rule and not otherwise excluded from regulation under ARM 17.74.303 who is engaged in an asbestos abatement project and who is qualified to transport and dispose of asbestos-containing material.

(13) "CFR" means the code of federal regulations published by the US government printing office.

(14) "Competent person" means the same as the definition of competent person as cited in 29 CFR 1926.58, 1993 edition.

(15) "Demolition" means the wrecking or taking out of any load-supporting structural member of a facility together with any related handling operations or the

intentional burning of any facility.

(16) "Encapsulation" means a method of asbestos abatement that includes the treatment of asbestos-containing materials with a sealant material that completely surrounds or embeds asbestos fibers in an adhesive matrix to prevent the release of asbestos fibers. A bridging encapsulant creates a membrane over the surface, while penetrating encapsulant permeates asbestos containing material and binds the material's components together.

(17) "Enclosure" means a method of asbestos abatement that includes the construction of a permanent, airtight impermeable barrier other than sealant around asbestos-containing material to prevent the release of asbestos fibers into the air.

(18) "Friable" means easily crumbled, pulverized, or reduced to powder by hand pressure.

(19) "Friable asbestos-containing material" means any material containing more than 1% asbestos applied on ceilings, walls, structural members, piping, duct work, or any other part of a structure which when dry may be crumbled, pulverized, or reduced to powder by hand pressure. The term includes non-friable asbestos-containing material after such previously non-friable material becomes damaged to the extent that when dry it may be crumbled, pulverized, or reduced to powder by hand pressure.

(20) "Friable asbestos-containing building material" or "friable ACBM" means any friable ACM that is in or on interior structural members or other parts of a school or public and commercial building.

(21) "Inspection" means an activity undertaken in a school building, or a public and commercial building, to determine the presence or location, or to assess the condition of, friable or non-friable asbestos-containing building material (ACBM) or suspected ACBM, whether by visual or physical examination, or by collecting samples of such material. This term includes reinspections of friable and non-friable known or assumed ACBM which has been previously identified. The term does not include the following:

(a) periodic surveillance of the type described in 40 CFR 763.92(b) solely for the purpose of recording or reporting a change in condition of known or assumed ACBM;

(b) inspections performed by employees or agents of federal, state, or local government solely for the purpose of determining compliance with applicable statutes or regulations; or

(c) visual inspections of the type described in 40 CFR 763.90(i) solely for the purpose of determining completion of response actions.

(22) "LEA" (local education agency) means:

(a) Any local educational agency as defined in 20 USC 3381, 1989 edition. Reference to "state" in this definition refers to the state of Montana.

(b) The owner of any nonpublic, nonprofit elementary, or secondary school building;

(c) The governing authority of any school operated under the defense dependents' education system provided for under the Defense Dependents' Education Act of 1978 (20 USC 921, et seq.).

(23) "Major fiber release episode" means any uncontrolled or unintentional disturbance of ACBM, resulting in visible emission, which involves the falling or dislodging of more than 3 square or linear feet of friable ACBM.

(24) "Minor fiber release episode" means any uncontrolled or unintentional disturbance of ACBM, resulting in a visible emission, which involves the falling or dislodging of 3 square or linear feet or less of friable ACBM.

(25) "Non-friable asbestos-containing building material" or "non-friable ACBM" means any asbestos-containing material that is not friable and that is in or on interior structural members or other parts of a school or public and commercial building.

(26) "Non-occupational setting" means an environment in which the occupants during the course of daily work or activities are not handling, working with, or being exposed to asbestos resulting from an asbestos abatement project.

(27) "Person" means an individual, partnership, corporation, sole proprietorship, firm, enterprise, franchise, association, state or municipal agency, political subdivision of the state, or any other entity.

(28) "Public and commercial building" means the interior space of any building which is not a school building, except that the term does not include any residential apartment building of fewer than 10 units or detached single-family homes. The term

includes, but is not limited to, industrial and office buildings, residential apartment buildings and condominiums of 10 or more dwelling units, government-owned buildings, colleges, museums, airports, hospitals, churches, preschools, stores, warehouses, and factories. Interior space includes exterior hallways connecting buildings, porticos, and mechanical systems used to condition interior space.

(29) "Response action" means a method including removal, encapsulation, enclosure, repair, operation, and maintenance that protects human health and the environment from friable asbestos-containing building materials.

(30) "School" means any public or private day or residential school that provides elementary or secondary education for grade 12 or under pursuant to state law.

(31) "School building" means:

(a) any structure suitable for use as a classroom, including a school facility such as a laboratory, library, school eating facility, or facility used for the preparation of food;

(b) any gymnasium or other facility which is specially designed for athletic or recreational activities for an academic course in physical education;

(c) any other facility used for the instruction or housing of students or for the administration of educational or research programs;

(d) any maintenance, storage, or utility facility, including any hallway, essential to the operation of any facility described in this definition of "school building" under (a), (b), or (c) above;

(e) any portico or covered exterior hallway or walkway;

(f) any exterior portion of a mechanical system used to condition interior space.

(32) "Small-scale, short-duration activities" or "SSSD" are tasks such as, but not limited to:

(a) removal of asbestos-containing insulation on pipes;

(b) removal of small quantities of asbestos-containing insulation on beams or above ceilings;

(c) replacement of an asbestos-containing gasket on a valve;

(d) installation or removal of a small section of drywall;

(e) installation of electrical conduits through or proximate to asbestos-containing materials;

(f) removal of small quantities of ACM only if required in the performance of another maintenance activity not intended as asbestos abatement;

(g) removal of asbestos-containing thermal system insulation not to exceed amounts greater than those which can be contained in a single glove bag;

(h) minor repairs to damaged thermal system insulation that do not require removal;

(i) repairs to a piece of asbestos-containing wallboard;

(j) repairs, involving encapsulation, enclosure, or removal, to small amounts of friable ACM only if required in performance of emergency or routine maintenance activity and not intended solely as asbestos abatement. Such work may not exceed amounts greater than 3 square feet or 3 linear feet that can be contained in a single prefabricated mini-enclosure. Such an enclosure must conform spatially and geometrically to the localized work area, in order to perform its intended containment function.

(33) "Structural member" means any load supporting member of a facility such as beams and load supporting walls; or any nonload-supporting member, such as ceilings and nonload supporting walls.

(34) "TWA" (time weighted average) means an average of concentrations of airborne contaminants averaged over a specified period of time. The mathematical formula for a TWA standard is:

$$E = \frac{Ca\ Ta + Cb\ Tb \ldots\ Cn\ Tn}{8}$$

(a) where Ca represents a constant concentration over a time of Ta measured in hours and Cb represents other constant concentration over another time period Tb (hours), etc.

(35) "TWA (time weighted average) standard" means the maximum allowable level of airborne contaminants averaged over a specified period of time.

(36) "TEM" means transmission electron microscopy.

(37) "PCM" means phase contrast microscopy.

(38) The department hereby adopts and incorporates herein by reference the

definition of "competent person" contained in 29 CFR 1926.58, 1993 edition, which specifies requirements for persons working with asbestos. A copy of the definition can be obtained from the Department of Environmental Quality, PO Box 200901, Helena, MT 59620-0901. (History: 75-2-503, MCA; IMP, 75-2-503, MCA; NEW, 1989 MAR p. 2234, Eff. 1/1/90; AMD, 1993 MAR p. 549, Eff. 4/16/93; AMD, 1995 MAR p. 1578, Eff. 8/11/95; TRANS, from DHES, 1996 MAR p. 433.)

17.74.303 EXCLUSIONS (1) A private homeowner conducting, on his own, an asbestos abatement project in his/her private residence where the sole use of such residence is as the homeowner's domicile, is not subject to the provisions of this subchapter during the period that asbestos-containing material is present on the homeowner's private property and the homeowner controls or maintains the asbestos-containing material.

(2) A private homeowner as described in (1) of this rule is subject to state and federal requirements for proper packaging, transport, and delivery to an approved asbestos disposal facility of asbestos containing material.

(3) A private homeowner as described in (1) of this rule must use an accredited asbestos abatement worker or an accredited asbestos abatement contractor or accredited asbestos abatement supervisor to perform the transportation and disposal operations described in (2) of this rule.

(4) A private homeowner as described in (1) of this rule must obtain an asbestos abatement project permit from the department for transportation and disposal operations as described in (2) of this rule. (History: 75-2-503, MCA; IMP, 75-2-503, MCA; NEW, 1989 MAR p. 2234, Eff. 1/1/90; AMD, 1993 MAR p. 549, Eff. 4/16/93; TRANS, from DHES, 1996 MAR p. 433.)

Rules 17.74.304 through 17.74.306 reserved

17.74.307 EVALUATION OF ASBESTOS HAZARDS IN STRUCTURES OTHER THAN LEA SCHOOL BUILDINGS (1) In a structure other than a LEA school building, if the owner or other similarly placed person in charge of the structure chooses to evaluate the asbestos hazard in the structure through the use of a Montana accredited asbestos inspector, the asbestos hazard must be evaluated by a Montana accredited asbestos inspector according to the methods contained in 40 CFR 763.85, 1993 edition, (inspections and reinspection); 40 CFR 763.86, 1993 edition, (sampling); 40 CFR 763.87, 1993 edition, (analysis); and 40 CFR 763.88, 1993 edition (assessment). The asbestos inspector is solely responsible for failure to follow these inspection methods. The owner may be responsible under ARM 17.74.314 for hiring an asbestos inspector who is not accredited.

(2)(a) Air sampling may not be used by the asbestos inspector as the sole means of evaluating the asbestos hazard in a structure but may be used in conjunction with the methods used in (1) of this rule.

(b) If air sampling is conducted, a comprehensive visual assessment must be used as a part of the asbestos hazard evaluation.

(c) The recommended maximum level for airborne fibers indoors in a non-occupational setting should not exceed 0.01 fibers per cubic centimeter of air (f/cc) or 70 structures per millimeter of filter (s/mm^2) for an average of 5 samples collected in a structure during normal conditions of building operation.

(d) Each sample must represent an 8 hour time weighted average (TWA).

(e) For each sample collected, the minimum volume of air drawn through the collecting filter must be 1,199 liters of air for 25 mm filters, or 2,799 liters of air for 37 mm filters.

(f) Analysis for air samples required by this rule is to be done by a laboratory accredited by the American industrial hygiene association (AIHA) or a laboratory which participates in the AIHA proficiency analytical testing (PAT) program and has received a "proficient" rating for asbestos phase contrast microscopy (PCM) samples. For the sampling and sampling analysis, a quality assurance program must be implemented as described in the NIOSH 7400 method or in accordance with 29 CFR 1926.58, Appendix A--Quality Control Procedure, 1993 edition. Quality assurance records and PAT results must be submitted, upon request, to the Montana department of environmental quality. Analysis for air samples is to be done by PCM utilizing the national institute of occupational safety and health (NIOSH) 7400 method published in the NIOSH Manual of Analytical Methods, 3rd edition, second supplement, August 1987.

(g) Analysis for transmission electron microscopy (TEM) air samples must be done by a laboratory accredited by the national voluntary laboratory accreditation program (NVLAP) of the national institute of standards and technology (NIST). Analysis for air samples analyzed by TEM must utilize the method in 40 CFR 763.90(i)(3) and (4), 1993 edition.

(h) Analysis for bulk samples is to be done by a laboratory approved by the national institute of standards and technology (NIST).

(3) Nothing in this rule precludes sampling and analysis to determine if a material is asbestos containing material. A structure cannot be considered to be free of an asbestos hazard unless sampled according to (1) and (2) of this rule. In the absence of sampling of suspected asbestos material in accordance with (1) and (2) of this rule, this material will be presumed to be an asbestos containing material.

(4) The department hereby adopts and incorporates herein by reference 40 CFR 763.85 through 40 CFR 763.88, 40 CFR 763.90(i), 1993 edition, and 29 CFR 926.58, Appendix A - Quality Control Procedure, 1993 edition, which pertain to, respectively, methods of inspections and reinspection, sampling, analysis, and assessment of asbestos standards and quality control procedures; and, the national institute of occupational safety and health (NIOSH) Manual of Analytical Methods, 3rd edition, second supplement, August 1987, which contains a description of the 7400 analytical method. A copy of each can be obtained from the Department of Environmental Quality, PO Box 200901, Helena, MT 59620-0901. (History: 75-2-503, MCA; IMP, 75-2-503, MCA; NEW, 1989 MAR p. 2234, Eff. 1/1/90; AMD, 1993 MAR p. 549, Eff. 4/16/93; AMD, 1995 MAR p. 1578, Eff. 8/11/95; TRANS, from DHES, 1996 MAR p. 433.)

17.74.308 CLEARING ASBESTOS ABATEMENT PROJECTS IN STRUCTURES OTHER THAN LEA SCHOOL BUILDINGS (1)(a) At the conclusion of any asbestos abatement project performed in a structure other than a LEA school building, the asbestos abatement contractor or the person in charge of the asbestos abatement project, such as the owner of a structure, shall ensure that the maximum allowable indoor concentration for airborne fibers in a non-occupational setting is not more than 0.01 fibers per cubic centimeter of air (f/cc) or 70 structures per square millimeter of filter (s/mm^2), represented by an average of the results of 5 air samples.

(b) Each of the 5 air samples referred to in (1)(a) above must be collected in a negative pressure enclosure, except as provided in (f) and (g) below. The clearance sampling referred to in (1)(a) is not applicable where asbestos abatement in a building or other structure has occurred immediately prior to destruction or demolition of an entire building or other structure.

(c) The 5 air samples referred to in (1)(a) and (b) above must be collected by the individual described in (2)(a) of this rule to test for maximum allowable concentration.

(d) Collection of air clearance samples must involve the use of aggressive air sampling techniques such as with leaf blowers or fans placed in a setting sufficient to create maximum air disturbance in all potentially occupiable areas. Aggressive air sampling is not required where asbestos abatement in a building has occurred in areas which are not occupied, such as crawl spaces, or in work areas where repair encapsulation has occurred without the use of a containment barrier.

(e) For each air sample collected as required by (1)(a) above, the minimum volume of air drawn through the collecting filter must be 1,199 liters of air for 25 mm filters or 2,799 liters of air for 37 mm filters.

(f)(i) Asbestos abatement projects utilizing mini-enclosures, as described in 29 CFR 1926.58, Appendix G, must be sampled by taking a minimum of one aggressive air sample per mini-enclosure, with a minimum of 5 samples for each space contained by 4 walls and a solid ceiling.

(ii) If more than 5 mini-enclosures are used in a space with 4 walls and a solid ceiling, at least 5 aggressive air samples must be collected. The first 4 air samples must be gathered from those enclosures where the greatest potential for asbestos exposure exists; the fifth sample must be taken in the last mini-enclosure in which asbestos abatement occurred.

(g)(i) Asbestos abatement projects utilizing glove-bags, as described in 29 CFR 1926.58, Appendix G, require a minimum of 1 aggressive air sample to be collected in the immediate area of each glove bag, with a minimum of 5 air samples collected for each

space, contained by 4 walls and a solid ceiling, in which glove-bags are used.

(ii) If more than 5 glove-bags are used in a space contained by 4 walls and a solid ceiling, a minimum of 5 air samples are required for that space. The 5 samples should be gathered from areas where the greatest potential for asbestos exposure exists.

(iii) If glove-bags are used without the use of an additional containment barrier around the work area, aggressive sampling methods are not required.

(h) Analysis for air samples required by this rule must be done by phase contrast microscopy (PCM) utilizing the national institute of occupational safety and health 7400 method contained in the NIOSH Manual of Analytical Methods, 3rd edition, second supplement, August 1987, and by a person who has successfully completed the NIOSH 582 course, "Sampling and Evaluating Airborne Asbestos Dust". Analysis for air samples analyzed by transmission electron microscopy (TEM) must utilize the method in 40 CFR 763.90(i)(3) and (4), 1993 edition.

(i) Analysis for air samples required by this rule must be done at a laboratory accredited by the American industrial hygiene association (AIHA) or a laboratory which participates in the AIHA proficiency analytical testing (PAT) program and has received a "proficient" rating for asbestos PCM samples. For sampling and sampling analysis, a quality assurance program must be implemented as described in the NIOSH 7400 method or in accordance with 29 CFR 1926.58, Appendix A--Quality Control Procedure, 1993 edition. Quality assurance records and PAT results must be submitted, upon request, to the Montana department of environmental quality. Analysis for TEM air samples required by this rule must be analyzed by a laboratory accredited by the national voluntary laboratory accreditation program (NVLAP) of the national institute of standards and technology (NIST).

(2)(a) Air samples referenced in (1)(a)-(e), (h) and (i) of this rule must be collected by an accredited asbestos abatement contractor, asbestos abatement supervisor, an engineer, an industrial hygienist, or someone who has completed the NIOSH 582 course, "Sampling and Evaluating Airborne Asbestos Dust", none of whom may be employed by, or contractually associated with the asbestos abatement contractor or individual in charge of completing the asbestos abatement project.

(b) The requirement in (2)(a) above does not apply to a holder of an annual permit which contains a condition that contractors contractually associated with the facility will collect air samples but that asbestos health and safety personnel employed by the permit holder will monitor air sampling and ensure that air samples are collected properly. (See ARM 17.74.336(4)).

(3)(a) In the event that the maximum allowable limit for airborne fibers is exceeded, the accredited asbestos abatement contractor or the accredited asbestos abatement supervisor shall ensure that further evaluation is conducted on air samples, by PCM method outlined in (1)(h) of this rule following further cleaning or by using TEM analysis as outlined in 40 CFR 763.90(i), 1993 edition.

(b) The individual(s) referred to in (2)(a) of this rule must conduct the air sampling referred to in (3)(a) above. If the TEM analysis indicates that the air concentration inside is higher than the air concentration outside, as specified in 40 CFR 763.90(i)(3) and (4), 1993 edition, then the accredited asbestos abatement contractor or the accredited asbestos supervisor must continue the cleaning effort or response action until it is complete. An asbestos abatement project is complete when the requirements of the TEM analysis are met or when the air concentration is below .01 f/cc as determined by the PCM analysis.

(c) The PCM analysis method is contained in 29 CFR 1910 or 29 CFR 1926.58, 1993 edition, or in the NIOSH 7400 method, published in the NIOSH Manual of Analytical Methods, third edition, second supplement, August 1987.

(d) The department may grant a waiver from (3)(a)-(c) above in the event that an environment is chronically contaminated by fibers and it is determined that the asbestos fiber content does not exceed the maximum allowable concentration as outlined in 40 CFR 763.90(i), 1993 edition.

(e) This determination in (d) above must be demonstrated by the person in charge of the asbestos abatement permit by establishing a history of the percentage of asbestos fibers contained in samples taken in that environment. The history must be established using a method of sampling and analysis established by the department. The average percentage of asbestos fibers in the air samples taken during the history period must be applied as a percentage factor against the total fiber concentration shown in the PCM

analysis to determine the concentration of airborne asbestos fibers.

(f) This determination may also be made by any means demonstrated to the satisfaction of the department by the person in charge as providing protection of the public health and safety equivalent to the standards contained in the analyses.

(4) The department hereby adopts and incorporates herein by reference the national institute of occupational safety and health (NIOSH) Manual of Analytical Methods, third edition, second supplement, August 1987, which contains a description of the 7400 Analytical Method; 40 CFR 763.90(i)(3) and (4), 1993 edition, which sets forth standards for completion of response actions; 29 CFR 1910, 29 CFR 1926.58, and 29 CFR 1926.58, Appendix A and G, 1993 edition, which pertain to asbestos standards for general industry, the construction industry, and asbestos abatement and quality assurance procedures, respectively. A copy of each can be obtained from the Department of Environmental Quality, PO Box 200901, Helena, MT 59620-0901. (History: 75-2-503, MCA; IMP, 75-2-503, MCA; NEW, 1989 MAR p. 2234, Eff. 1/1/90; AMD, 1993 MAR p. 549, Eff. 4/16/93; AMD, 1995 MAR p. 1578, Eff. 8/11/95; TRANS, from DHES, 1996 MAR p. 433.)

17.74.309 EVALUATION OF ASBESTOS HAZARDS IN LEA SCHOOL BUILDINGS (1) In a LEA school building, the asbestos hazard must be evaluated by the LEA by the appropriate person accredited in an asbestos-type occupation according to the method outlined in 40 CFR 763.85, 1993 edition, (inspections and reinspection); 40 CFR 763.86, 1993 edition, (sampling); 40 CFR 763.87, 1993 edition, (analysis); 40 CFR 763.88, 1993 edition, (assessment); and 40 CFR 763.90, 1993 edition, (response actions).

(2) The department hereby adopts and incorporates herein by reference 40 CFR 763.85 through 40 CFR 763.88, 1993 edition, and 40 CFR 763.90, 1993 edition, which pertain to, respectively, inspections and reinspection, sampling, analysis, assessment, and response actions. Copies of each may be obtained from the Department of Environmental Quality, PO Box 200901, Helena, MT 59620-0901. (History: 75-2-503, MCA; IMP, 75-2-503, MCA; NEW, 1989 MAR p. 2234, Eff. 1/1/90; AMD, 1993 MAR p. 549, Eff. 4/16/93; AMD, 1995 MAR p. 1578, Eff. 8/11/95; TRANS, from DHES, 1996 MAR p. 433.)

17.74.310 CLEARING ASBESTOS ABATEMENT PROJECTS IN LEA SCHOOL BUILDINGS (1) A LEA shall ensure that at the conclusion of any asbestos abatement project performed within a LEA school building, inspections and/or sampling techniques, analytical techniques (PCM and TEM), phasing in of transmission electron microscopy (TEM) analysis, and visual inspection are performed and these techniques and analysis are performed in accordance with 40 CFR 763.90(i), 1993 edition.

(2) The department hereby adopts and incorporates herein by reference 40 CFR 763.90(i), 1993 edition, which sets forth requirements for completion of response actions, a copy of which may be obtained from the Department of Environmental Quality, PO Box 200901, Helena, MT 59620-0901. (History: 75-2-503, MCA; IMP, 75-2-503, MCA; NEW, 1989 MAR p. 2234, Eff. 1/1/90; AMD, 1993 MAR p. 549, Eff. 4/16/93; AMD, 1995 MAR p. 1578, Eff. 8/11/95; TRANS, from DHES, 1996 MAR p. 433.)

Rules 17.74.311 through 17.74.313 reserved

17.74.314 REQUIREMENTS OF ACCREDITATION AND PERMITTING FOR PERSONS ENGAGED IN AN ASBESTOS-TYPE OCCUPATION (1) After January 1, 1990, a person may not:

(a) engage in an asbestos-type occupation unless accredited in that occupation by the department pursuant to ARM 17.74.315;

(b) conduct an asbestos abatement project without a permit from the department as required in ARM 17.74.335, or violate the conditions of the permit; or

(c) employ under supervision, an individual in an asbestos-type occupation not accredited in that occupation by the department or directly subcontract with an asbestos contractor for an asbestos abatement project if such asbestos contractor is not accredited by the department.

(2) Accredited persons must have their initial and current accreditation certificates at the location where they are conducting work. (History: 75-2-503, MCA; IMP, 75-2-503, 75-2-511, MCA; NEW, 1989 MAR p. 2234, Eff. 1/1/90; AMD, 1995 MAR p. 1578, Eff. 8/11/95; TRANS, from DHES, 1996 MAR p. 433.)

17.74.315 ACCREDITATION OF ASBESTOS INSPECTOR; ASBESTOS MANAGEMENT PLANNER;

ASBESTOS ABATEMENT PROJECT DESIGNER; ASBESTOS ABATEMENT CONTRACTOR; ASBESTOS ABATEMENT SUPERVISOR; AND ASBESTOS WORKER (1) A person seeking accreditation as an asbestos inspector, an asbestos management planner, an asbestos abatement project designer, an asbestos abatement contractor, an asbestos abatement supervisor, or an asbestos abatement worker must:

(a) successfully complete a training course approved by the department, or the United States environmental protection agency (USEPA), according to the table set forth in (2) of this rule and pass an examination approved by the department; or

(b) have successfully completed, prior to January 1, 1990, an appropriate asbestos-related training course offered for each occupation listed in (1) of this rule, which course must be approved by the USEPA; and

(c) submit to the department a properly completed application form provided by the department, together with a fee as specified in ARM 17.74.402 and a copy of a certification of satisfactory completion from the appropriate approved course.

(2) The following asbestos-type occupations must complete the following corresponding training course:

Asbestos Related Occupation	Certified Course
asbestos inspector	3-day training course
asbestos management planner	2-day training course
asbestos abatement project designer	3-day training course
asbestos abatement contractor	5-day training course
asbestos abatement supervisor	5-day training course
asbestos worker	4-day training course

(3) A person seeking accreditation in an asbestos related occupation by virtue of having attended a course or refresher course approved by the USEPA or another state, shall be subject to an accreditation and accreditation renewal fee surcharge as outlined in ARM 17.74.402.

(4) A person seeking accreditation as an asbestos management planner must be an accredited asbestos inspector prior to taking the management planner course. (History: 75-2-503, MCA; IMP, 75-2-503, 75-2-511, MCA; NEW, 1989 MAR p. 2234, Eff. 1/1/90; AMD, 1993 MAR p. 549, Eff. 4/16/93; AMD, 1995 MAR p. 1578, Eff. 8/11/95; TRANS, from DHES, 1996 MAR p. 433.)

17.74.316 RENEWAL OF ACCREDITATION (1) Accreditation for each asbestos-type occupation referred to in ARM 17.74.315 must be renewed annually by each accredited person on or before, or up to 1 year after, the expiration date of the appropriate course which the person took for accreditation upon submission of a properly completed application form, certification of satisfactory completion of the appropriate course, and the appropriate fee to the department. After completing the annual refresher course, a person shall have his/her accreditation extended for an additional year from the date of the refresher course.

(2) A person may not engage in an asbestos-type occupation after the expiration of his/her accreditation until such accreditation is renewed under (1) and (2) by the department.

(3) Each person must submit an application to the department for renewal with the appropriate fee as specified in ARM 17.74.402 and a copy of the certificate documenting the successful completion of the required refresher course for each discipline as set forth in (4)-(6) of this rule.

(4) Each applicant for renewal in each asbestos-type occupation, except the asbestos inspector, shall attend a 1-day refresher course for the specific discipline which is approved by the department or the USEPA.

(5) Asbestos inspectors shall attend a half-day refresher course approved by the department or the USEPA.

(6) Asbestos management planners shall attend the half- day asbestos inspector refresher course plus an additional half-day refresher course on management planning approved by the department or the USEPA.

(7) An individual from each discipline such as a worker, contractor or supervisor may only attend a refresher course specific to that individual's discipline in order to get credit for the refresher course. (History: 75-2-503, MCA; IMP, 75-2-503, 75-2-511,

MCA; NEW, 1989 MAR p. 2234, Eff. 1/1/90; AMD, 1993 MAR p. 549, Eff. 4/16/93; AMD, 1995 MAR p. 1578, Eff. 8/11/95; TRANS, from DHES, 1996 MAR p. 433.)

17.74.317 TRAINING COURSE AND EXAMINATION REQUIREMENTS

(1) After January 1, 1990, a person may not offer a training course in the state of Montana providing the knowledge necessary for the accreditation of any asbestos-type occupation unless the department has approved the training course and examinations given as a part of, and at the end of, the course.

(2) To obtain department approval for a training course, each course must address the topics and subject matter listed in ARM 17.74.325 through 17.74.329.

(3) For purposes of ARM 17.74.325 through 17.74.329 a day of training equals 8 hours, including short breaks and a 1 hour lunch. (History: 75-2-503, MCA; IMP, 75-2-503, 75-2-511, MCA; NEW, 1989 MAR p. 2234, Eff. 1/1/90; AMD, 1993 MAR p. 549, Eff. 4/16/93; TRANS, from DHES, 1996 MAR p. 433.)

17.74.318 APPLICATION FOR ACCREDITATION OF A TRAINING COURSE; CERTIFICATION (1) A person may apply for approval of a training course by submitting by certified mail to the department, bureau of occupational and radiological health, all of the following:

(a) a properly completed written application on forms provided by the department;

(b) a curriculum which satisfactorily addresses the course subject matter and topics as specified in this subchapter;

(c) a copy of the course examination and all course materials (written and visual);

(d) a copy of an unused or blank certification of satisfactory completion to be used for certification at the end of the course;

(e) a list of instructors and documentation of the instructors' qualifications that includes academic and/or field experience in asbestos abatement;

(f) a description of hands-on training to be used in the course;

(g) a course schedule indicating time allotted and the instructor for each subject;

(h) the appropriate fee due the department for review of the course, set forth in ARM 17.74.402;

(i) documentation of EPA course approval if the course is approved by the EPA under the Asbestos Hazard Emergency Response Act (AHERA) 15 USC 2643 (1986).

(2) A person providing a training course for an asbestos-type occupation shall provide a certificate with the elements contained in (1)(d) of this rule to all trained persons who successfully complete the training course and the examination. The certificate must be numbered and include:

(a) the person's name and address;

(b) the date of the examination;

(c) the signature of 1 course instructor;

(d) inclusive dates of the training course;

(e) the name, address, and telephone number of the training provider that issued the certificate;

(f) the name and address of the organization which has approved the training course;

(g) a statement that the trainee, by name, has successfully passed the examination for the course;

(h) an expiration date of 1 year after the date upon which the person successfully completed the course and examination;

(i) discipline of the training course completed; and

(j) a statement that the person receiving the certificate has completed the requisite training for asbestos accreditation under TSCA Title II.

(3) A person providing a training course for an asbestos-type occupation must comply with the following recordkeeping requirements:

(a) retain copies of training course materials, including instructional materials used in the delivery of the classroom training such as student manuals, instructor notebooks, and handouts;

(b) retain copies of all instructors' resumes, and the documents approving each instructor issued by the department;

(c) retain records that accurately identify the instructors that taught each

particular course for each date that a course is offered;

(d) retain records that each person who receives an accreditation certificate for initial training course has achieved a passing score on the examination; these records must indicate the date the examination was administered, the training course and discipline for the exam given, the name of the person who proctored the exam, a copy of the exam, and the name and test score of each person taking the exam;

(e) maintain records that document the names of all persons who have been awarded certificates, their certificate numbers, the disciplines for which accreditation was conferred, training and expiration dates, and training location. The training provider shall maintain records in a manner that allows verification by telephone of the required information;

(f) maintain all required records for a minimum of 3 years;

(g) allow reasonable access to all of the records, on request, to the US environmental protection agency and the department;

(h) if a provider ceases to conduct training, the training provider shall notify the department and give it the opportunity to take possession of that provider's asbestos training records.

(4) A person providing a training course for an asbestos-type occupation shall provide the department with written notice of the following at least 10 working days in advance of the date the course commences:

(a) course schedule, including the time allotted to each subject and the name of its instructor;

(b) and a listing of scheduled courses indicating times and location of the course. (History: 75-2-503, MCA; IMP, 75-2-503, 75-2-511, MCA; NEW, 1989 MAR p. 2234, Eff. 1/1/90; AMD, 1995 MAR p. 1578, Eff. 8/11/95; TRANS, from DHES, 1996 MAR p. 433.)

17.74.319 COURSE APPROVAL (1) Training courses, training course materials, and examinations must be reviewed and approved by the department prior to the offering of the course, materials, and examination to the public.

(2) Except for the worker course and the refresher courses, at least 2 approved instructors must conduct all training courses.

(3) All training course materials and examinations must be submitted to the department at least 45 calendar days prior to the proposed date of course presentation.

(4) The department must be automatically notified of any changes in the content of training courses or examinations. If there is any change in content of a course or examination, the department approval of these changes must be obtained prior to accreditation of such course or examination.

(5) A person providing a training course must notify the department, at least 10 working days in advance, of the time, location, and dates of the course prior to the offering of any course.

(6) Audits of approved training courses and examinations must be conducted by the department on a biannual basis; subsequent to implementation of any course changes, the department shall audit the training course. Department audits shall result in levying of the appropriate fee as set forth in ARM 17.74.404.

(7) The department personnel must be afforded the opportunity to audit any and all asbestos training courses offered for accreditation of asbestos-type occupations without tuition or cost of materials to the department personnel. (History: 75-2-503, MCA; IMP, 75-2-503, 75-2-511, MCA; NEW, 1989 MAR p. 2234, Eff. 1/1/90; AMD, 1993 MAR p. 549, Eff. 4/16/93; AMD, 1995 MAR p. 1578, Eff. 8/11/95; TRANS, from DHES, 1996 MAR p. 433.)

Rules 17.74.320 through 17.74.324 reserved

17.74.325 ASBESTOS INSPECTOR'S COURSE (1) A 3-day training course given to provide the training component necessary for accreditation of an asbestos inspector shall include lectures, demonstrations, 4 hours of hands-on training, individual respirator fit testing, course review, and a written examination which adequately tests for knowledge of subjects covered in the course.

(2) The asbestos inspectors shall adequately address the following topics and subject matter within each topic:

(a) Background information on asbestos including identification of asbestos,

examples and discussion of the uses and locations of asbestos in buildings, and physical appearance of asbestos.

(b) Potential health effects related to asbestos exposure, including the nature of asbestos-related diseases; routes of exposure; dose-response relationships and the lack of a safe exposure level; the synergistic effect between cigarette smoking and asbestos exposure; the latency period for asbestos-related diseases; and a discussion of the relationship of asbestos exposure to asbestosis, lung cancer, mesothelioma, and cancer of other organs.

(c) Functions, qualifications and role of inspectors, including discussions of prior experience and qualifications for inspectors and management planners; discussions of the functions of an accredited inspector as compared to those of an accredited management planner, and discussion of the inspection process, including inventory of asbestos-containing material (ACM) and physical assessment.

(d) Legal liabilities and defenses, including comparative responsibilities of the asbestos inspector and the asbestos management planner; a discussion of comprehensive general liability policies, claims-made and occurrence policies, environmental and pollution liability policy clauses; applicable state of Montana liability insurance requirements; and bonding and the relationship of insurance availability to bond availability.

(e) Understanding the interrelationship between building systems, including:

(i) an overview of common building physical plan layout;

(ii) heat, ventilation and air conditioning (HVAC) system types, physical organization, and where asbestos is found on HVAC components;

(iii) building mechanical systems, their types and organization, and where to look for asbestos on such systems;

(iv) inspecting electrical systems, including appropriate safety precautions; and

(v) reading blueprints and as-built drawings.

(f) Public/employee/building occupant relations, including notifying employee organizations about the inspection; signs to warn building occupants; tact in dealing with occupants and the press; scheduling of inspections to minimize disruption; and education of building occupants about actions being taken.

(g) Pre-inspection planning and review of previous inspection records, including scheduling the inspection and obtaining access building record review; identification of probable homogeneous areas from blueprints or as-built drawings; consultation with maintenance or building personnel; review of previous inspection, sampling, and abatement records of a building; and the role of the asbestos inspector in exclusions for previously performed inspections.

(h) Inspecting for friable and non-friable asbestoscontaining material (ACM) and assessing the condition of friable ACM, including procedures to follow in conducting visual inspections for friable and non-friable ACM; types of building materials that may contain asbestos; touching materials to determine friability; open return air plenums and their importance in heat, ventilation, and air-conditioning (HVAC) systems; assessing damage, significant damage, potential damage, and potential significant damage; amount of suspected ACM, both in total quantity and as a percentage of the total area; type of damage; accessibility; material's potential for disturbance; known or suspected causes of damage or significant damage; and deterioration as assessment factors.

(i) Bulk sampling/documentation of asbestos, including detailed discussion of the "Simplified Sampling Scheme for Friable Surfacing Materials" (EPA 560/5-85-030a October 1985); techniques to ensure sampling in a randomly distributed manner for friable surfacing materials; sampling of non-friable materials; techniques for bulk sampling; sampling of thermal system insulation and sampling equipment the inspector should use; patching or repair of damage done in sampling; an inspector's repair kit; discussion of polarized light microscopy; choosing an accredited laboratory to analyze bulk samples; and quality control and quality assurance procedures.

(j) Inspector respiratory protection and personal protective equipment, including classes and characteristics of respirator types; limitations of respirators; proper selection, inspection, donning, use, maintenance, and storage procedures for respirators; methods for field testing of the facepiece-to-face seal (positive and negative pressure fitting tests); qualitative and quantitative fit testing procedures; variability between field and laboratory protection factors; factors that alter respirator fit (e.g., facial hair); the components of a proper respiratory protection program; selection and use of personal protective clothing; and use, storage, and handling of non-disposable clothing.

(k) Recordkeeping and writing the inspection report, including labeling of samples and keying sample identification to sampling location; sample labeling recommendations; detailing of ACM inventory; photographs of selected sampling areas and examples of ACM condition; and information required for inclusion in the management plan by the Toxic Substances Control Act (TSCA), Title II, section 203(i)(1), Pub. L. No. 99-519, et seq., and 40 CFR 763.80 through 40 CFR 763.99, 1993 edition.

(l) Regulatory review, including EPA worker protection requirements found at 40 CFR Part 763, subpart G, 1993 edition; TSCA Title II, Pub. L. No. 99-519, et seq.; Occupational Safety and Health Administration (OSHA) asbestos construction standard, 29 CFR 1926.58, 1993 edition; OSHA respirator requirements found at 29 CFR 1910.134, 1993 edition; the friable ACM in schools rule found at 40 CFR Part 763, subpart F, 1993 edition; applicable state and local regulations; and differences in federal/state requirements where they apply and the effects, if any, on public and non-public schools.

(m) Field trip, including a field exercise which includes a walk-through inspection; on-site discussion on information gathering and determination of sampling locations; on-site practice in physical assessment; and classroom discussion of field exercise.

(n) A review of key aspects of the training course.

(3) The department hereby adopts and incorporates by reference EPA 560/5-85-030a October 1985, which sets forth a detailed discussion of the simplified sampling scheme for friable surfacing materials; TSCA Title II, Pub. L. No. 99-519, et seq., and 40 CFR 763.80 through 40 CFR 763.99, 1993 edition, which set forth requirements for the management of asbestos in schools; 40 CFR Part 763, subparts F and G, 1993 edition, 29 CFR 1926.58, 1993 edition, and 29 CFR 1910.134, 1993 edition, which set forth requirements for asbestos worker protection and the management of asbestos in schools. A copy of each may be obtained from the Department of Environmental Quality, PO Box 200901, Helena, MT 59620-0901. (History: 75-2-503, MCA; IMP, 75-2-503, 75-2-511, MCA; NEW, 1989 MAR p. 2234, Eff. 1/1/90; AMD, 1993 MAR p. 549, Eff. 4/16/93; AMD, 1995 MAR p. 1578, Eff. 8/11/95; TRANS, from DHES, 1996 MAR p. 433.)

17.74.326 ASBESTOS MANAGEMENT PLANNERS COURSE (1) A 2-day training course to provide the training component necessary for accreditation of an asbestos management planner shall include lectures, demonstrations, course review, and a written examination which adequately tests for knowledge of subjects covered in the course.

(2) The course for accreditation of an asbestos management planner must adequately address the following topics and subject matter within each topic:

(a) Course overview, including the role of the management planner; operations and maintenance programs; setting work priorities; and protection of building occupants.

(b) Evaluation/interpretation of survey results, including review of the Toxic Substance Control Act (TSCA) Title II requirements for inspection and management plans as given in section 203(i)(1) of TSCA Title II, Pub. L. No. 99-519, et seq., and 40 CFR 763.85 through 40 CFR 763.93, 1993 edition; summarized field data and laboratory results; and comparison between field inspector's data sheet with laboratory results and site survey.

(c) Hazard assessment, including amplification of the difference between physical assessment and hazard assessment; the role of the management planner in hazard assessment; explanation of significant damage, damage, potential damage, and potential significant damage; use of a description (or decision tree) code for assessment of ACM; assessment of friable ACM; and, the relationship of accessibility, vibration sources, use of adjoining space, and air plenums and other factors to hazard assessment.

(d) Legal implications, including liability; insurance issues specific to planners; liabilities associated with interim control measures, in-house maintenance, repair, and removal; and use of results from previously performed inspections.

(e) Evaluation and selection of control options, including overview of encapsulation, enclosure, interim operations and maintenance, and removal; advantages and disadvantages of each method; response actions described via a decision tree or other appropriate method; work practices for each response action; staging and prioritizing of work in both vacant and occupied buildings; and the need for containment barriers and decontamination in response actions.

(f) Role of other professionals, including use of industrial hygienists, engineers, and architects in developing technical specifications for response actions; any requirements that may exist for architect sign-off of plans; and team approach to

design of high-quality job specifications.

(g) Developing an operations and maintenance plan, including purpose of the plan; discussion of applicable USEPA guidance documents; what actions should be taken by custodial staff; proper cleaning procedures; steam cleaning and high efficiency particulate air (HEPA) vacuuming; reducing disturbance of ACM; scheduling operation and maintenance for off-hours; rescheduling or cancelling renovation in areas with ACM; boiler room maintenance; disposal of ACM; in-house procedures for ACM-bridging and penetrating encapsulants; pipe fittings; metal sleeves; polyvinyl chloride (PVC), canvas, and wet wraps; muslin with straps; fiber mesh cloth; mineral wool and insulating cement; discussion of employee protection programs and staff training; and a case study in developing an operation and management plan (development, implementation process, and problems that have been experienced).

(h) Regulatory review, including focusing on the occupational safety and health administration (OSHA) asbestos construction standard found at 29 CFR 1926.58, 1993 edition; the national emission standards for hazardous air pollutants (NESHAPS) found at 40 CFR Part 61, subparts A (general provisions) and M (national emission standards for asbestos), 1993 edition; EPA worker protection requirements found at 40 CFR Part 763, subpart G, 1993 edition; TSCA Title II, Pub. L. No. 99-519, et seq.; and applicable state regulations.

(i) Recordkeeping for the management planner, including use of a field inspector's data sheet along with laboratory results; on-going recordkeeping as a means to track asbestos disturbance; and procedures for recordkeeping.

(j) Assembling and submitting the management plan, including management plan requirements in TSCA Title II section 203(i)(1), Pub. L. No. 99-519, et seq., and 40 CFR Part 763, 1993 edition; and the management plan as a planning tool.

(k) Financing abatement actions, including economic analysis and cost estimates; development of cost estimates; present costs of abatement versus future operations and maintenance costs; and grants and loans under the Asbestos School Hazard Abatement Act, 20 USC 4011, et seq.

(l) A review of key aspects of the training course.

(m) The department hereby adopts and incorporates by reference TSCA Title II section 203(i)(1), Pub. L. No. 99-519, et seq., and 40 CFR 763.85 through 40 CFR 763.93, 1993 edition, which set forth requirements for inspection and management plans for asbestos in schools; 29 CFR 1926.58, 1993 edition; 40 CFR Part 61, subparts A and M, 1993 edition; 40 CFR Part 763, 1993 edition, subpart G; and TSCA Title II, Pub. L. No. 99-519, et seq., which set forth requirements for asbestos worker protection, asbestos emissions, and management of asbestos in schools, respectively; and 20 USC 4011, et seq., which sets forth requirements for grants and loans under the Asbestos School Hazard Abatement Act. A copy of each may be obtained from the Department of Environmental Quality, PO Box 200901, Helena, MT 59620-0901. (History: 75-2-503, MCA; IMP, 75-2-503, 75-2-511, MCA; NEW, 1989 MAR p. 2234, Eff. 1/1/90; AMD, 1993 MAR p. 549, Eff. 4/16/93; AMD, 1995 MAR p. 1578, Eff. 8/11/95; TRANS, from DHES, 1996 MAR p. 433.)

17.74.327 ASBESTOS ABATEMENT PROJECT DESIGNER'S COURSE

(1) A 3-day training course to provide the training component necessary for accreditation of an asbestos abatement project designer shall include lectures, demonstrations, a field trip, course review, and a written examination which adequately tests for knowledge of subjects covered in the course.

(2) The course for accreditation of an asbestos project designer shall adequately address the following topics:

(a) Background information on asbestos, including identification of asbestos; examples and discussion of the uses and locations of asbestos in buildings; and the physical appearance of asbestos.

(b) Potential health effects related to asbestos exposure, including the nature of asbestos-related diseases; routes of exposure; dose-response relationships and the lack of a safe exposure level; the synergistic effect between cigarette smoking and asbestos exposure; the latency period of asbestos-related diseases; and a discussion of the relationship between asbestos exposure and asbestosis, lung cancer, mesothelioma, and cancer of other organs.

(c) Overview of abatement construction projects, including abatement as a portion of a renovation project; occupational safety and health administration (OSHA) re-

quirements for notification of other contractors on a multi-employer site, which requirements are set forth at 29 CFR 1926.58, 1993 edition.

(d) Safety system design specifications, including design, construction, and maintenance of containment barriers and decontamination enclosure systems; positioning of warning signs; electrical and ventilation system lock-out; proper working techniques for minimizing fiber release; entry and exit procedures for the work area; use of wet methods; proper techniques for initial cleaning; use of negative pressure exhaust ventilation equipment; use of high efficiency particulate air (HEPA) vacuums; proper clean-up and disposal of asbestos; work practices as they apply to encapsulation, enclosure, and repair; use of glove bags and a demonstration of glove bag use.

(e) Field trip, including a visit to an abatement site or other suitable building site, including on-site discussions of abatement design, building walk-through inspection, and discussion of the rationale for the concept of functional spaces during the walk-through.

(f) Employee personal protective equipment, including the classes and characteristics of respirator types; limitations of respirators; proper selection, inspection, donning, use, maintenance, and storage procedures; methods for field testing of the facepiece-to-face seal (positive and negative pressure fitting tests); qualitative and quantitative fit testing procedures; variability between field and laboratory protection factors; factors that alter respirator fit (e.g., facial hair); components of a proper respiratory protection program; selection and use of personal protective clothing; use, storage, and handling of non-disposable clothing; and regulations covering personal protective equipment.

(g) Additional safety hazards, including hazards encountered during abatement activities and how to deal with them, such as electrical hazards, heat stress, air contaminants other than asbestos, fire and explosion hazards.

(h) Fiber aerodynamics and control, including aerodynamic characteristics of asbestos fibers; importance of proper containment barriers; settling time for asbestos fibers; wet methods in abatement; aggressive air monitoring following abatement; aggressive air movement and negative pressure exhaust ventilation as a clean-up method.

(i) Designing abatement solutions, including discussions of removal, enclosure, and encapsulation methods; and asbestos waste disposal.

(j) Final clearance process, including discussion of the need for a written sampling rationale for aggressive final air clearance; requirements of a complete visual inspection; the relationship of visual inspection to final air clearance; and the need for final air clearance samples to be analyzed by laboratories accredited under the NIST NVLAP.

(k) Budgeting/cost estimation, including development of cost estimates; present costs of abatement versus future operations and maintenance costs; and setting priorities for abatement jobs to reduce cost.

(l) Writing abatement specifications, including preparation of and need for a written project design; means and methods specifications versus performance specifications; design of abatement in occupied buildings; modification of guide specifications to a particular building; worker and building occupant health/medical considerations; and replacement of ACM with non-asbestos substitutes.

(m) Preparing abatement drawings, including the significance of and need for drawings; use of as-built drawings as base drawings; use of inspections photographs and on-site reports; methods of preparing abatement drawings; diagramming containment barriers; the relationship of drawings to design specifications; and particular problems relating to abatement drawings.

(n) Contract preparation and administration.

(o) Legal/liabilities/defenses, including insurance considerations; bonding; hold harmless clauses; use of abatement contractor's liability insurance; and claims-made versus occurrence policies.

(p) Replacement of asbestos with asbestos-free substitutes.

(q) Role of other consultants, including development of technical specification sections by industrial hygienists or engineers; and the multi-disciplinary team approach to abatement design.

(r) Occupied buildings, including special design procedures required in occupied buildings; education of occupants; extra monitoring recommendations; staging of work to minimize occupant exposure; and scheduling of renovation to minimize exposure.

(s) Relevant federal, state, and local regulatory requirements, procedures and standards, including:

(i) requirements of the Toxic Substance Control Act (TSCA) Title II, Pub. L. No. 99-519, et seq., and 40 CFR 763, 1993 edition;

(ii) 40 CFR Part 61, national emission standards for hazardous air pollutants (NESHAPS), subparts A (general provisions) and M (national emission standard for asbestos), 1993 edition;

(iii) OSHA standards for permissible exposure to airborne concentrations of asbestos fibers and respiratory protection found in 29 CFR 1910.134, 1993 edition;

(iv) EPA worker protection rule, found at 40 CFR Part 763, subpart G, 1993 edition; and

(v) the OSHA asbestos construction standard found at 29 CFR 1926.58, 1993 edition.

(t) A review of key aspects of the training course.

(3) The department hereby adopts and incorporates by reference 29 CFR 1926.58, 1993 edition, which pertains to OSHA asbestos standards for the construction industry; TSCA Title II, Pub. L. No. 99-519, et seq.; 40 CFR 763, 1993 edition; 40 CFR Part 61, subparts A and M, 1993 edition; 29 CFR 1910.134, 1993 edition; 40 CFR Part 763, subpart G, 1993 edition; and 29 CFR 1926.58, 1993 edition, which set forth, respectively, requirements for management of asbestos in schools, asbestos emissions, asbestos worker protection, and asbestos standards for the construction industry. A copy of each may be obtained from the Department of Environmental Quality, PO Box 200901, Helena, MT 59620-0901. (History: 75-2-503, MCA; IMP, 75-2-503, 75-2-511, MCA; NEW, 1989 MAR p. 2234, Eff. 1/1/90; AMD, 1993 MAR p. 549, Eff. 4/16/93; AMD, 1995 MAR p. 1578, Eff. 8/11/95; TRANS, from DHES, 1996 MAR p. 433.)

17.74.328 ASBESTOS ABATEMENT CONTRACTOR'S AND SUPERVISOR'S COURSE (1) A 5-day training course given to provide the training component necessary for accreditation of an asbestos abatement contractor and/or an asbestos abatement supervisor shall include lectures, demonstrations, 14 hours of hands-on training, individual respirator fit testing, course review, and a written examination which adequately tests for knowledge of subjects covered in the course.

(2) The course for accreditation of an asbestos abatement contractor or an asbestos abatement supervisor shall adequately address the following topics and subject matter within each topic:

(a) The physical characteristics of asbestos and asbestos-containing materials, including identification of asbestos, aerodynamic characteristics, typical uses, physical appearance, a review of hazard assessment considerations, and a summary of abatement control options.

(b) Potential health effects related to asbestos exposure, including the nature of asbestos-related diseases; routes of exposure; dose-response relationships and the lack of a safe exposure level; synergism between cigarette smoking and asbestos exposure; and the latency period for disease.

(c) Employee personal protective equipment, including classes and characteristics of respirator types; limitations of respirators and their proper selection, inspection, donning, use, maintenance, and storage procedures; methods for field testing of the facepiece-to-face seal (positive and negative pressure fitting tests); qualitative and quantitative fit testing procedures; variability between field and laboratory protection factors; factors that alter respirator fit (e.g., facial hair); the components of a proper respiratory protection program; selection and use of personal protective clothing; use, storage, and handling of non-disposable clothing; and regulations covering personal protective equipment.

(d) State-of-the-art work practices, including proper work practices for asbestos abatement activities; descriptions of proper construction and maintenance of barriers and decontamination enclosure systems; positioning of warning signs; electrical and ventilation system lockout; proper working techniques for minimizing fiber release; use of wet methods; use of negative pressure ventilation equipment; use of high efficiency particulate air (HEPA) vacuums; proper clean-up and disposal procedures; work practices for removal, encapsulation, enclosure, and repair; emergency procedures for sudden releases; potential exposure situations; transport and disposal procedures; and recommended and prohibited work practices. Discussion of new abatement-related tech-

niques and methodologies may be included.

(e) Personal hygiene, including entry and exit procedures for the work area; use of showers; avoidance of eating, drinking, smoking, and chewing (gum or tobacco) in the work area; and potential exposures, such as family exposure.

(f) Additional safety hazards, including hazards encountered during abatement activities and how to deal with them, such as electrical hazards, heat stress, air contaminants other than asbestos, fire and explosion hazards, scaffold and ladder hazards, slips, trips, and falls, and confined spaces.

(g) Medical monitoring, including occupational safety and health administration (OSHA) requirements for a pulmonary function test, chest x-rays, and a medical history for each employee.

(h) Air monitoring, including procedures to determine airborne concentrations of asbestos fibers; a description of aggressive sampling; sampling equipment and methods; reasons for air monitoring; types of samples; and interpretation of results, specifically from analysis performed by polarized light, phase-contrast, and electron microscopy analyses.

(i) All relevant federal, state, and local regulatory requirements, procedures, and standards, including:

(i) requirements of the Toxic Substance Control Act (TSCA) Title II, Pub. L. No. 99-519, et seq., and 40 CFR Part 763, 1993 edition;

(ii) 40 CFR Part 61, national emission standards for hazardous air pollutants (NESHAPS), subparts A (general provisions) and M (national emission standard for asbestos), 1993 edition;

(iii) the OSHA asbestos construction standard found in 29 CFR 1926.58, 1993 edition;

(iv) OSHA standards for permissible exposure to airborne concentrations of asbestos fibers and respiratory protection found in 29 CFR 1910.134, 1993 edition;

(v) EPA worker protection requirements found in 40 CFR Part 763, subpart G, 1993 edition.

(j) Respiratory protection programs and medical surveillance programs.

(k) Insurance and liability issues, including contractor issues; workers' compensation coverage and exclusions; third-party liabilities and defenses; insurance coverage and exclusions.

(l) Recordkeeping for asbestos abatement projects, including records required by federal, state, and local regulations; and records recommended for legal and insurance purposes.

(m) Supervisory techniques for asbestos abatement activities, including supervisory practices to enforce and reinforce the required work practices and discourage unsafe work practices.

(n) Contract specifications, including discussion of key elements that are included in contract specifications.

(o) A review of key aspects of the training course.

(3) The department hereby adopts and incorporates by reference TSCA Title II, Pub. L. No. 99-519, et seq.; 40 CFR Part 763, 1993 edition; 40 CFR Part 61, subpart A and M, 1993 edition; 29 CFR 1926.58, 1993 edition; and 29 CFR 1910.134, 1993 edition, which set forth, respectively, requirements for asbestos management in schools, asbestos emissions, worker protection, asbestos standards for the construction industry, and asbestos standards for general industry. A copy of each may be obtained from the Department of Environmental Quality, PO Box 200901, Helena, MT 59620-0901. (History: 75-2-503, MCA; IMP, 75-2-503, 75-2-511, MCA; NEW, 1989 MAR p. 2234, Eff. 1/1/90; AMD, 1993 MAR p. 549, Eff. 4/16/93; AMD, 1995 MAR p. 1578, Eff. 8/11/95; TRANS, from DHES, 1996 MAR p. 433.)

17.74.329 ASBESTOS ABATEMENT WORKER'S COURSE (1) A 4-day training course to provide the training component necessary for accreditation of an asbestos abatement worker shall include lectures, demonstrations, 14 hours of hands-on training, individual respirator fit testing, course review, and a written examination which adequately tests for knowledge of subjects covered in the course.

(2) The course for accreditation of an asbestos abatement worker shall adequately address the following topics:

(a) Physical characteristics of asbestos, including identification of asbestos,

aerodynamic characteristics, typical uses, physical appearance, and a summary of abatement control options.

(b) Potential health effects related to asbestos exposure, including the nature of asbestos-related diseases, routes of exposure, dose-response relationships and the lack of a safe exposure level; synergism between cigarette smoking and asbestos exposure; and the latency period for disease.

(c) Employee personal protective equipment, including classes and characteristics of respirator types; limitations of respirators and their proper selection, inspection, donning, use, maintenance, and storage procedures; methods for field testing of the facepiece-to-face seal (positive and negative pressure fitting tests); qualitative and quantitative fit testing procedures; variability between field and laboratory protection factors; factors that alter respirator fit (e.g., facial hair); the components of a proper respiratory protection program; selection and use of personal protective clothing; use, storage, and handling of non-disposal clothing; and regulations covering personal protective equipment.

(d) State-of-the-art asbestos abatement practices, including descriptions of proper construction and maintenance of barriers and decontamination enclosure systems; positioning of warning signs; electrical and ventilation system lock-out; proper working techniques for minimizing fiber release; use of wet methods; use of negative pressure ventilation equipment; use of high efficiency particulate air (HEPA) vacuums; proper clean-up and disposal procedures; work practices for removal, encapsulation, enclosure, and repair; emergency procedures for sudden releases; potential exposure situations; transport and disposal procedures; and recommended and prohibited work practices.

(e) Personal hygiene, including entry and exit procedures for the work area; use of showers; avoidance of eating, drinking, smoking, and chewing (gum or tobacco) in the work area; and potential exposures, such as family exposure.

(f) Additional safety hazards, including hazards encountered during abatement activities and how to deal with them, such as electrical hazards, heat stress, air contaminants other than asbestos, fire and explosion hazards, scaffold and ladder hazards, slips, trips, and falls, and confined spaces.

(g) Medical monitoring, including occupational safety and health administration (OSHA) requirements for a pulmonary function test, chest x-rays and a medical history for each employee.

(h) Air monitoring, including procedures to determine airborne concentrations of asbestos fibers, focusing on how personal air sampling is performed and the reasons for it.

(i) Establishment of respirator protection programs.

(j) Relevant federal, state, and local regulatory requirements, procedures and standards, with particular attention directed at relevant EPA, OSHA, and state regulations concerning asbestos workers.

(k) A review of key aspects of the training course. (History: 75-2-503, MCA; IMP, 75-2-503, 75-2-511, MCA; NEW, 1989 MAR p. 2234, Eff. 1/1/90; AMD, 1995 MAR p. 1578, Eff. 8/11/95; TRANS, from DHES, 1996 MAR p. 433.)

17.74.330 EXAMINATIONS (1) Regarding the examinations given as a part of each course referred to in ARM 17.74.325 through 17.74.329, the following requirements must be met in each discipline:

(a) For asbestos inspectors, the examination given must include 50 multiple choice questions with a passing score of at least 70%.

(b) For asbestos management planners, the examination given must include 50 multiple choice questions with a passing score of at least 70%.

(c) For asbestos abatement project designers, the examination given must include 100 multiple choice questions with a passing score of at least 70%.

(d) For asbestos abatement contractors and supervisors, the examination given must include 100 multiple choice questions with a passing score of at least 70%.

(e) For asbestos abatement workers the examination given must include 50 multiple choice questions with a passing score of at least 70%.

(2) All examinations for each asbestos-type occupation must be closed book. (History: 75-2-503, MCA; IMP, 75-2-503, 75-2-511, MCA; NEW, 1989 MAR p. 2234, Eff. 1/1/90; TRANS, from DHES, 1996 MAR p. 433.)

17.74.331 REFRESHER COURSES (1) After January 1, 1990, a person may not offer a refresher course providing the knowledge necessary for renewal of accreditation under ARM 17.74.316 unless the department has approved the refresher course. Refresher courses must be specific to each discipline.

(2) As a condition of approval of a refresher course for each asbestos-type occupation, the refresher course must discuss changes in federal and state regulations, developments in state-of-the-art procedures, and review key aspects of the initial training course.

(3) Refresher courses must be approved by the department through submission to the department of a completed application form furnished by the department together with a fee as set forth in ARM 17.74.403. The application form will require information regarding the subject matter to be taught in the refresher course, the course materials to be used, a description and example of the numbered certificates issued to students who complete the refresher course, the instructors teaching the refresher course, and instructors' qualifications, which must include academic and/or field experience in asbestos abatement. (History: 75-2-503, MCA; IMP, 75-2-503, 75-2-511, MCA; NEW, 1989 MAR p. 2234, Eff. 1/1/90; AMD, 1993 MAR p. 549, Eff. 4/16/93; AMD, 1995 MAR p. 1578, Eff. 8/11/95; TRANS, from DHES, 1996 MAR p. 433.)

Rules 17.74.332 through 17.74.334 reserved

17.74.335 ASBESTOS ABATEMENT PROJECT PERMITS (1) No asbestos abatement contractor or owner of the building where an asbestos abatement project is being conducted may allow an asbestos abatement project to be performed after January 1, 1990 without an asbestos abatement project permit issued by the department. After January 1, 1990, no asbestos abatement contractor or owner of the building where an asbestos abatement project is being conducted may allow work to be performed on asbestos-containing material which is an integral part of a continuous surface equal to or exceeding 3 square feet or 3 linear feet of asbestos-containing material per calendar year without an asbestos abatement project permit issued by the department.

(2) In order to obtain an asbestos abatement project permit, an owner of the building where an asbestos abatement project is being conducted, or the asbestos abatement contractor must submit to the department, by certified mail, all of the following:

(a) A properly completed application for a permit on forms provided by the department;

(b) A description of the structure and the asbestos abatement project to be performed, and exact dates the asbestos work will be performed;

(c) A signed statement by the owner or the asbestos abatement contractor that all work performed under authorization of the requested permit will be performed in accordance with 29 CFR 1926.58, 1993 edition, including all appendices, and with 40 CFR Part 763, subpart E, 1993 edition, 40 CFR 763.120, 1993 edition, 40 CFR 763.121, 1993 edition, and 40 CFR 763.124, 1993 edition, and 40 CFR Part 61, subpart M, 1993 edition.

(d) A list of accredited asbestos abatement workers and asbestos abatement supervisors who will be performing functions on the project, including their accreditation ID number;

(e) A signed statement by the asbestos abatement contractor or the owner of the building where the asbestos abatement project is being conducted indicating that removed asbestos will be disposed of at an approved asbestos disposal facility, the name and location of the facility, and the entity which has approved the asbestos disposal facility;

(f) The required fee to be paid to the department for issuance of a permit as set forth in ARM 17.74.401. If the project is based on time and material, an estimated fee must be provided with the initial application;

(g) A project design, designed by a Montana accredited project designer for all asbestos abatement projects greater than 50 square feet or 50 linear feet. At a minimum, the asbestos abatement project design must contain the following information:

(i) a physical description of the work area, including a sketch (not to scale), indicating the location of exhaust ventilation machines, decontamination enclosures and waste load out area;

(ii) a description of the amount of asbestos-containing material to be removed,

encapsulated, enclosed or repaired;

(iii) a description of how the project will involve shutting down and locking out electric power and heating, ventilating, and air conditioning systems;

(iv) information concerning precleaning and removal of objects from the work area;

(v) a schedule for sealing off all critical barriers and openings, including but not limited to corridors, doorways, skylights, ducts, grills, diffusers, and other penetrations of the work area;

(vi) a description of containment barriers including airlocks, fire and emergency exits, and labeling procedures;

(vii) a description of worker decontamination enclosure system;

(viii) a description of exhaust ventilation systems to be used;

(ix) a description of alternate methods of containment such as glovebags, the removal of the entire asbestos covered pipe or structure, and the construction of mini-enclosures which if used must comply with 40 CFR 763 Appendix B to subpart E, 1993 edition and 29 CFR 1926.58 Appendix G, 1993 edition;

(x) a description of personal protective equipment and clothing to be worn by employees;

(xi) a description of work practices to be observed by the employees;

(xii) a description of methods to be used to remove, encapsulate, repair or enclose asbestos-containing material;

(xiii) a description of wetting agents, encapsulants and sealants to be used;

(xiv) a description of the air monitoring plan; and

(xv) a description of the waste disposal procedures to be used.

(h) For asbestos abatement projects, (other than LEA school buildings), between 3 square feet or linear feet and 50 square feet or linear feet, the owner or asbestos abatement contractor must submit a complete description of how the project will be performed and what work practices and engineering controls will be used for the project. The description must include the level of respiratory protection, personal protective equipment, critical barriers, work area isolation and type of enclosure, decontamination procedures, and waste labeling and disposal.

(3) All asbestos abatement projects shall be performed in accordance with 29 CFR 1926.58, 1993 edition, including all appendices, and with 40 CFR 763.120, 1993 edition, and 40 CFR 763.121, 1993 edition, and 40 CFR Part 61, subpart M, 1993 edition.

(4) All asbestos removed during an asbestos abatement project must be properly disposed of in an approved asbestos disposal facility. Proper disposal must be done in accordance with the provisions outlined in 40 CFR Part 61, subpart M.

(5) Application for an asbestos abatement project permit does not relieve the applicant of responsibility with regard to any applicable federal or state notification requirements.

(6) If the time during which an asbestos abatement project is to be performed changes, the asbestos contractor shall notify the department of such change by telephone at least 24 hours prior to:

(a) implementation of the new scheduled date; or

(b) the original scheduled date, whichever comes first. This notification must be followed by written notification, utilizing a form provided by the department, to the department of the newly scheduled dates within 72 hours of the telephone call. If the dates are substantively different, the department may require the permit holder to amend his permit.

(7) For an asbestos abatement project which costs $3000 or less, the department shall issue an asbestos abatement project permit within 7 calendar days following the receipt of a properly completed permit application and the required fee under ARM 17.74.401.

(8) No person engaged in a permitted asbestos abatement project may violate the conditions of the permit.

(9) The department hereby adopts and incorporates by reference 29 CFR 1926.58, 1993 edition, including all appendices; 40 CFR Part 763, 1993 edition, 40 CFR 763.120, 1993 edition, 40 CFR 763.121, subpart E, 1993 edition, and 40 CFR 763.124, 1993 edition, which set forth requirements for asbestos standards for the construction industry and worker protection; and 40 CFR Part 61, subpart M, 1993 edition, which sets forth requirements for transportation and disposal of asbestos-containing material. A copy of each

may be obtained from the Department of Environmental Quality, PO Box 200901, Helena, MT 59620-0901. (History: 75-2-503, MCA; IMP, 75-2-503, 75-2-511, MCA; NEW, 1989 MAR p. 2234, Eff. 1/1/90; AMD, 1993 MAR p. 549, Eff. 4/16/93; AMD, 1995 MAR p. 1578, Eff. 8/11/95; TRANS, from DHES, 1996 MAR p. 433.)

17.74.336 ANNUAL PERMITS (1) The owner and/or operator of a facility that maintains an asbestos health and safety program which incorporates standard operating procedures for employees involved in asbestos abatement projects in accordance with 29 CFR 1926.58, 1993 edition, including all appendices, and with 40 CFR 763.120, 1993 edition, 40 CFR 763.121, 1993 edition, and 40 CFR 763.124, 1993 edition, and which facility continuously employs asbestos workers accredited by the department, may apply to the department for an annual permit for the facility. An annual permit authorizes the facility to conduct asbestos abatement projects within the confines of the facility's controlled area during the period for which the permit is in force.

(2) The owner and/or operator of a facility which contracts with outside contractors for performance of asbestos abatement projects within the confines of the facility's controlled area may apply for an annual permit for the facility. As conditions for the annual permit, an outside contractor and his employees must be made subject to the facility's health and safety program, and the application must meet all other requirements for an annual permit. An annual permit may retain only one primary contractor as a condition to the initial annual permit. An annual permit does not apply to asbestos abatement projects being performed by contractors who are not named on the annual permit. The owner or operator of a facility may apply for an amendment to an annual permit in which the permit holder would be allowed to retain additional outside contractors or to change the primary contractor named on the initial annual permit. Application for amendment to an annual permit is subject to a fee as outlined in ARM 17.74.401 and must be submitted in writing to the department.

(3) The owner and/or operator of a facility may apply to the department on its permit application for the right to collect air clearance samples through a contractor who is contractually related to the facility, contrary to the provisions of ARM 17.74.308(2)(a), if the owner and/or operator agrees as a condition of the permit to direct health and safety personnel to monitor air sampling and to ensure that air samples are collected properly.

(4) Receipt of an annual permit does not relieve the holder of the permit from compliance with state and federal requirements pertaining to asbestos abatement project notification.

(5) A facility owner and/or operator must make application for renewal of an annual permit on an annual basis.

(6) The owner and/or operator of a facility making application for an annual permit must submit to the department, by certified mail, all of the following:

(a) A properly completed application on forms provided by the department;

(b) A description of the structure and the asbestos work to be performed, and a copy of the facility's health and safety program on asbestos;

(c) A signed statement that all work performed under authorization of the requested annual permit will be performed in accordance with 29 CFR 1926.58, 1993 edition, including all appendices, and with 40 CFR 763.120, 1993 edition, and 40 CFR 763.121, 1993 edition.

(d) A signed statement indicating that all work will be performed by asbestos abatement workers and supervisors accredited by the department;

(e) A signed statement indicating that removed asbestos will be disposed of at an approved disposal facility, the name and location of the facility, and the entity which has approved the facility; and

(f) The required fee for receipt of a permit from the department as set forth in ARM 17.74.401.

(7) The department hereby adopts and incorporates by reference 29 CFR 1926.58, 1993 edition, 40 CFR 763.120, 1993 edition, 40 CFR 763.121, 1993 edition, and 40 CFR 763.124, 1993 edition, which set forth, respectively, requirements for asbestos standards for the construction industry and worker protection. A copy of each may be obtained from the Department of Environmental Quality, PO Box 200901, Helena, MT 59620-0901. (History: 75-2-503, MCA; IMP, 75-2-503, 75-2-504, MCA; NEW, 1989 MAR p. 2234, Eff. 1/1/90; AMD, 1993 MAR p. 549, Eff. 4/16/93; AMD, 1995 MAR p. 1578, Eff. 8/11/95; TRANS, from DHES,

1996 MAR p. 433.)

17.74.337 EMERGENCY ASBESTOS PROJECT PERMITS (1) In an emergency situation where there is an immediate danger to life, health or the environment, property, or facility operation, an asbestos abatement contractor or owner of the building where an asbestos abatement project is being conducted or seeking a permit shall provide the department an application for an asbestos abatement project permit within 5 working days of the initiation of the project. The application shall be accompanied with a description of the emergency situation and the reasons why the permit was not sought prior to initiation of the project. This rule does not apply to a facility operating with a valid annual permit. (History: 75-2-503, MCA; IMP, 75-2-503, MCA; NEW, 1989 MAR p. 2234, Eff. 1/1/90; AMD, 1993 MAR p. 549, Eff. 4/16/93; AMD, 1995 MAR p. 1578, Eff. 8/11/95; TRANS, from DHES, 1996 MAR p. 433.)

17.74.338 ASBESTOS ABATEMENT PROJECT CONTROL MEASURES

(1) An accredited asbestos abatement supervisor shall be physically present at all times at the work-site where a permitted asbestos abatement project is being performed. The asbestos abatement supervisor must be accessible to all workers.

(2) On-site air monitoring must be conducted by an accredited asbestos contractor or an accredited asbestos abatement supervisor, an engineer or industrial hygienist. (History: 75-2-503, MCA; IMP, 75-2-503, MCA; NEW, 1989 MAR p. 2234, Eff. 1/1/90; AMD, 1993 MAR p. 549, Eff. 4/16/93; TRANS, from DHES, 1996 MAR p. 433.)

Rules 17.74.339 and 17.74.340 reserved

17.74.341 RECORDKEEPING (1) An asbestos abatement contractor or owner of the building where an asbestos abatement project is being conducted who has obtained a permit for an asbestos abatement project for which he is responsible shall retain a record of the asbestos abatement project(s) and shall make the record available to the department at any reasonable time.

(2) Records required by this subchapter must be kept for a minimum of 30 years. These records shall include but not be limited to the following:

(a) the name, address, and accreditation ID number of the individual who supervised the asbestos abatement project, and of each employee or agent who worked on the project;

(b) the location and description of the project and the amount of asbestos that was enclosed, removed, or encapsulated;

(c) the starting and completion dates of each instance of enclosure, removal, or encapsulation;

(d) a summary of the procedures that were used to comply with all applicable standards;

(e) the name and address of each asbestos disposal site where the waste which contained asbestos was deposited. Holders of annual permits are not required to maintain records (designating where wastes are deposited) pertaining to specific asbestos abatement projects, but holders of annual permits shall maintain records of each shipment of waste containing asbestos;

(f) a receipt from the asbestos disposal site indicating the amount of asbestos that was deposited at the asbestos disposal site and the date of the deposit. Holders of annual permits are not required to maintain records pertaining to specific asbestos abatement projects, but shall maintain records for each shipment of waste containing asbestos;

(g) transportation manifest records which indicate the amount of asbestos containing material transported to an approved asbestos disposal facility and the name and location of such facility. (History: 75-2-503, MCA; IMP, 75-2-503, 75-2-513, MCA; NEW, 1989 MAR p. 2234, Eff. 1/1/90; AMD, 1993 MAR p. 549, Eff. 4/16/93; TRANS, from DHES, 1996 MAR p. 433.)

17.74.342 INSPECTIONS (1) The owner of the property, building or other structure where the asbestos abatement project is being conducted, or a person performing or in charge of an asbestos abatement project shall:

(a) afford the department, at all reasonable times, the opportunity to inspect

the site of the asbestos abatement project; and

(b) make records maintained pursuant to this subchapter available to the department upon reasonable request for inspection and copying.

(2) Department inspectors may consult privately with workers concerning matters of occupational exposure to asbestos and other matters related to the applicable provisions of this subchapter, to the extent the inspectors deem necessary for the conduct of an effective and thorough inspection.

(3) Accreditation credentials and a photo ID of persons involved in an asbestos abatement project must be available at the asbestos abatement project site at all times and must be made available to the department upon request for inspection.

(4) For the purposes of payment of a fee for receipt of a permit, the fee paid for receipt of a permit may cover one inspection of an asbestos abatement project being conducted by the department as a component of the permitting process. If any additional inspections are conducted by the department, the person in charge of the asbestos abatement project or the asbestos contractors must pay an additional inspection fee to the department as set forth in ARM 17.74.401. (History: 75-2-503, MCA; IMP, 75-2-503, MCA; NEW, 1989 MAR p. 2234, Eff. 1/1/90; AMD, 1993 MAR p. 549, Eff. 4/16/93; TRANS, from DHES, 1996 MAR p. 433.)

17.74.343 RECIPROCITY (1) Each applicant for accreditation in an asbestos-type occupation who is accredited in another state may request accreditation from the department based upon accreditation requirements of the state where the applicant is accredited. The department shall evaluate the requirements for accreditation in the other state, and may provide an accreditation if the requirements for accreditation in the other state are equal to, or more stringent than, the accreditation requirements under this subchapter. (History: 75-2-503, MCA; IMP, 75-2-503, MCA; NEW, 1989 MAR p. 2234, Eff. 1/1/90; TRANS, from DHES, 1996 MAR p. 433.)